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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HARDY WAY, LLC,
Plaintiff,

-against-

BESTA CORP. and JOHN DOE,
Defendants.

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ORDER

10 CV 1222 (RJD) (RLM)

DEARIE, Chief Judge.

On July 9, 2010, plaintiff was directed to show cause by July 16, 2010, why this case should not be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff failed to respond or take any further action in the case. Accordingly, by Report and Recommendation submitted August 13, 2010, Magistrate Judge Roanne L. Mann recommended that this case be dismissed with prejudice for lack of prosecution and for violating a court order. The same day, plaintiff filed a notice to voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(1)(A)(i). By endorsed order on the notice, Magistrate Mann recommended dismissal with prejudice. No objections to the Report and Recommendation were filed.

The Court has reviewed the Report and Recommendation and plaintiff's notice and adopts the recommendation that this case be dismissed with prejudice for the reasons stated in the August 13, 2010 Report. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York
October 4, 2010

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge